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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/754,625 | 01/04/2001 | Shuzo Yoshii | 250A 3009 | 3614 |

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EXAMINER

SHERR, CRISTINA O

ART UNIT PAPER NUMBER

3621

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,625

Applicant(s)

YOSHII, SHUZO

Examiner

Cristina O Sherr

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WU

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

1. This communication is in response to the Applicant's Amendment filed 4 March 2004. Claims 1-8 are pending in this case.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Arguments

3. Applicant's arguments filed 4 March 2004 have been fully considered but they are not persuasive. Applicant argues with respect to claims 1-8 that Barber does not disclose a system and method for the collection and compilation of customer information. Attention is directed to Barber (US 6,502,193B1) at col 2 ln 18-40.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Barber (US 6,502,193B1).

6. Regarding claim 1 –

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Barber discloses a customer information collection method in which personal information of an individual who downloads and uses digital information is collected as customer information by a third party other than said individual as a result of said third party acquiring rights to use said digital information, said customer information collection method comprising the steps of receiving an indication of a desire to use digital information from an individual, prompting said individual who has indicated said desire to input his/her own personal information as customer information, collecting and compiling said input customer information, and sending a password to said individual so that said individual can use said digital information (col 2 ln 18-40), (col 3 ln 1-4).

7. Regarding claim 2 –

Barber discloses the customer information collection method according to Claim 1, wherein said digital information is downloaded by said individual via an electrical communications means (col 2 ln 33-36).

8. Regarding claim 3 –

Barber discloses the customer information collection method according to Claim 1, wherein said customer information includes at least information concerning the name, age, gender and e-mail address of said individual (col 3 ln 52-61).

9. Regarding claim 4 –

Barber discloses the customer information collection method according to Claim 1, further comprising a step in which a collected customer information data is processed, and a database is constructed and controlled (Col 5 ln 26-39).

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10. Claims 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Barber (US 6,502,193B1).

11. Regarding claim 5 –

Barber discloses a customer information collection system in which personal information of an individual who downloads and uses digital information is collected as customer information by a third party other than said individual as a result of said third party acquiring rights to use said digital information, said customer information collection system comprising: a means which receives an indication of a desire to use digital information from an individual, a means which prompts said individual who has indicated said desire to input his/her own personal information as customer information, a means that sends a password to said individual so that said individual can use said digital information (col 2 ln 18-40).

12. Regarding claim 6 –

Barber discloses the customer information collection system according to Claim 5, wherein said digital information is downloaded by said individual via an electrical communications means (col 2 ln 33-36).

13. Regarding claim 7 –

Barber discloses the customer information collection system according to Claim 5, wherein said customer information includes at least information concerning the name, age, gender and e-mail address of said individual (col 3 ln 52-61).

14. Regarding claim 8 –

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Barber discloses the customer information collection method according to Claim 5, further comprising a means in which a collected customer information data is processed, and a database is constructed and controlled (Col 5 In 26-39).

15. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Dedrick (US 5,768,521A) discloses a general purpose metering mechanism for distribution of electronic information.

18. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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